

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 17 2010 ★

BROOKLYN OFFICE

F.# 2010R01682/OCDETF #NY=NYE-645

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

PRELIMINARY ORDER
OF FORFEITURE

- against -

10 CR 588 (JBW)

MICHAEL HOSNY GABRIEL,

Defendant.

- - - - -X

WHEREAS, on or about September 8, 2010, the defendant entered a plea of guilty to an information charging a violation of 21 U.S.C. §§ 841(b)(1)(C), 846; and

WHEREAS, the defendant has consented to the entry of a forfeiture money judgment in the amount of eighty-eight thousand five hundred dollars and no cents (\$88,500.00) (the "Forfeiture Money Judgment") to the United States pursuant to 21 U.S.C. §§ 853(a)(1), 853(p), as property that constitutes or is derived, directly or indirectly, from proceeds traceable to a violation of 21 U.S.C. §§ 841(b)(1)(C) and 846, property used or intended to be used in the commission of such offense, and/or as substitute assets;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as follows:

1. The defendant shall forfeit all of his right, title and interest in the Forfeited Money Judgment in the sum of eighty-eight thousand five hundred dollars and no cents (\$88,500.00) pursuant to 21 U.S.C. §§ 853(a)(1), 853(p), as property that constitutes or is derived, directly or indirectly, from proceeds traceable to a violation of 21 U.S.C. §§ 841(b)(1)(C) and 846, property used or intended to be used in the commission of such offense, and/or as substitute assets. Payment of the Forfeiture Money Judgment shall be made by certified or bank checks, payable to the "United States Marshals Service." Such check(s) shall be delivered to Assistant United States Attorney Elliot M. Schachner, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201, with the criminal docket number noted on the face of the check.

2. The defendant shall fully assist the government in effectuating the payment of the Forfeiture Money Judgment. The defendant shall not file or interpose any claim or assist others to file or interpose any claim to any property against which the government seeks to execute the Forfeiture Money Judgment in any administrative or judicial proceeding. If forfeiture is not received as provided above, the defendant shall

forfeit any other property of his, pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Procedure Act, or any other applicable law.

3. The defendant knowingly and voluntarily waives his right to any required notice, including notice set forth in an indictment or information, concerning the forfeiture of the assets and monies forfeited hereunder, including any undisclosed assets. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of said assets, and waives all constitutional, legal and equitable defenses to the forfeiture of said assets, including, but not limited to, any defenses based on principles of double jeopardy, the Ex Post Facto Clause of the Constitution, the statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

4. Pursuant to the Fed. R. Crim. P. 32.2(b)(3), this Order shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

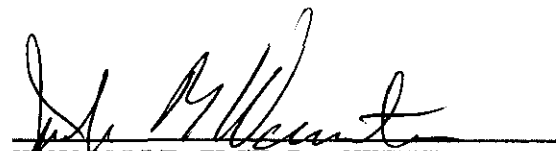
5. The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction.

6. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

7. The Court shall retain jurisdiction of this action to ensure compliance with the terms of this Order.

8. The Clerk of the Court is directed to send, by inter-office mail, five certified copies of this executed Order to FSA Paralegal, Anthony Lauro, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
September 16, 2010



HONORABLE JACK B. WEINSTEIN
UNITED STATES DISTRICT JUDGE